

## Message Text

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ACTION L-03

INFO OCT-01 IO-13 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07

NSAE-00 NSC-05 PA-02 PRS-01 SP-02 SS-15 USIA-15 AF-08

ARA-10 EA-09 EUR-12 NEA-10 DLOS-06 SAL-01 OES-06

EPA-04 EB-07 MCT-01 FAA-00 DOTE-00 JUSE-00 ACDA-10

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TO SECSTATE WASHDC 9927

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E.O. 11652: N/A

TAGS: PFOR ILC UN

SUBJ: SIXTH COMITE (LEGAL) - ILC REPORT

1. SUMMARY: SWEDEN, ROMANIA, UK, UKRAINE AND FINLAND  
ADDRESSED COMITE ON ITEM ON OCT 15. END SUMMARY

2. SWEDEN CONCENTRATED ON MFN. DISAGREED WITH ILC'S  
CONCLUSION THAT EXCEPTION COULD NOT BE FOUND IN INTERNATIONAL  
LAW FOR CUSTOMS UNIONS AND FAVORED ADDITION OF AN ARTICLE  
FOR COMPULSORY SETTLEMENT OF DISPUTES.

3. RE MFN, ROMANIA ARGUED ART. 21 INADEQUATE BECAUSE ONLY  
APPLIED TO GENERALIZED PREFERENCES AND BECAUSE OMITTED  
EXCEPTION FOR PREFERENCES GIVEN BY DEVELOPING COUNTRIES TO  
OTHER DEVELOPING COUNTRIES. RE STATE RESPONSIBILITY, STATED  
ARTICLE 19 (CRIMINAL RESPONSIBILITY) WAS IMPORTANT FOR  
IDENTIFYING FUNDAMENTAL OBLIGATIONS OF STATES BUT NEEDED TO  
BE DEVELOPED IN SUBSEQUENT ARTICLES. RE SUCCESSION OF STATES,  
APPLAUDED ART. 13(6) FOR REAFFIRMING CONETP OF "PERMANENT  
SOVEREIGNTY OF RESOURCES."

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4. RE MFN, UK SAID AN EXCEPTION FOR CUSTOMS UNIONS AND A

DISPUTE SETTLEMENT PROVISION WERE NEEDED. RE STATE RESPONSIBILITY, CRITICIZED ARTICLES 18 AND 19. SAID PARAGRAPH ONE OF ARTICLE 18 WAS SUFFICIENT AND PARAGRAPH TWO BELONGED IN A LATER DISCUSSION OF MITIGATING CIRCUMSTANCES FOR BREACHES. SAID ARTICLE 19 MAY REFLECT AN EXISTING DISTINCTION IN LEVELS OF STATE RESPONSIBILITY BUT SAID DEFINITIONS OF SERIOUS OBLIGATIONS MUST BE MORE NARROWLY SUSCRIBED. ALSO, QUESTIONED USE OF WORD "XRIMES" AND RESERVED JUDGEMENT ON ARTICLE 19 UNTIL CONSEQUENCES OF SERIOUS BREACH DEFINED.

5. RE MFN, UKRAINE AGREED WITH OMISSION OF EXCEPTION FOR CUSTOMS UNIONS. SAID THE ARTICLES DIDN'T SUFFICIENTLY REFLECT NEEDS DEVELOPING COUNTRIES. RE STATE RESPONSIBILITY, SAID ARTICLE 19 GAVE STABILITY TO DEVELOPING INTERNATIONAL LAW BUT SAID INCLUSION OF POLLUTION IN "INTERNATIONAL CRIMES" PREMATURE. RE STATE SUCCESSION, EXPRESSED GENERAL AGREEMENT WITH ALL ARTICLES EXCEPT ARTICLE 14, WHICH HE SAID SHOULD BE CONTROLLED BY INTERNAL LAW.

6. RE MFN, AND STATE SUCCESSION, FINLAND EXPRESSED GENERAL SATISFACTION WITH ARTICLES. RE STATE RESPONSIBILITY, AGREED WITH ARTICLE 18 BUT HEDGED ON ARTICLE 19. SAID ARTICLE 19 "BROKE NEW GROUND" BUT WAS CONSISTENT WITH TREND IN INTERNATIONAL LAW. RESERVED JUDGEMENT ON ARTICLE 19 UNTIL SEE CONSEQUENCES OF DIVISION OF RESPONSIBILITY. SAID IF CONSEQUENCES SECTIONS WERE ACCEPTABLE, ARTICLE 19 WAS PROPERLY WORDED AND MIGHT BE EXPANDED TO INCLUDE "LAND POLLUTION, AIR PIRACY, AND INTERFERENCE WITH FREEDOM OF HIGH SEAS" IN THE LIST OF "CRIMES".  
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